

Message Text

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21

ACTION EA-09

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 DHA-02

OMB-01 /059 W

----- 043516

R 120421Z FEB 76

FM AMEMBASSY TAIPEI

TO SECSTATE WASHDC 8501

INFO AMEMBASSY MANILA

AMEMBASSY SEOUL

AMEMBASSY TOKYO

AMCONSUL HONG KONG

USLO PEKING

CINCPAC HONOLULU HI

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CINCPAC FOR POLAD

E.O. 11652: N/A

TAGS: PINT, SHUM, TW

SUBJECT: GROC CONFIRMS PAI YA-TSAN SENTENCED TO LIFE
IMPRISONMENT

REF: A) TAIPEI 330, B) 75 TAIPEI 7250 (NOTAL)

BEGIN UNCLASSIFIED

1. ALL FEBRUARY 12 LOCAL NEWSPAPERS REPORTED THAT AT A
REGULAR PRESS CONFERENCE HELD FEBRUARY 11 GOVERNMENT INFORMA-
TION OFFICE DIRECTOR DING MOU-SHIH (TING MAO-SHIH, 0002/2021/
2514) IN RESPONSE TO A CORRESPONDENT'S QUESTION COMMENTED ON
THE CASE OF PAI YA-TSAN (4101/7161/3605). PAI WAS A PROS-
PECTIVE INDEPENDENT CANDIDATE FOR THE 1975 LEGISLATIVE YUAN
ELECTIONS AND WAS ARRESTED ON OCTOBER 23, 1975.

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2. ACCORDING TO THE PRESS, DING SAID THAT PAI WAS LAWFULLY

SENTENCED TO LIFE IMPRISONMENT BY A MILITARY COURT BECAUSE, AS WAS SHOWN BY IRREFUTABLE EVIDENCE, HE HAD INTENDED TO OVERTHROW THE GOVERNMENT BY ILLEGAL MEANS AND HAD BEGUN TO TAKE ACTION TO CARRY OUT HIS PLOT, TO WHICH HE HAD PLEADED GUILTY.

3. DING REPORTEDLY SAID THAT PAI HAD LONG BEEN INFLUENCED BY OTHER TRAITORS AND BEGUN TO HARBOR THE INTENTION OF OVERTHROWING THE GOVERNMENT. BETWEEN MAY AND SEPTEMBER 1975, PAI WROTE PREPOSTEROUS ARTICLES TO ABET THE PEOPLE OF THE COUNTRY TO TAKE ACTION AGAINST THE GOVERNMENT. HE HAD USED THE THREAT OF INSURRECTION IN INTIMIDATING THE GOVERNMENT TO DISSOLVE THE EXISTING PARLIAMENTARY BODIES.

4. THUS, DING SAID, PAI HAD INTENDED TO ALTER THE NATION'S CONSTITUTION AND DESTROY ITS MODE OF GOVERNMENT BY ILLEGAL MEANS. LATER IN OCTOBER HE OPENLY DEMANDED THE ESTABLISHMENT OF DIPLOMATIC TIES WITH SOVIET RUSSIA AND NEGOTIATIONS WITH THE CHINESE COMMUNIST REGIME, AIMING AT UNDERMINING THE BASIC NATIONAL POLICY. HE EVEN HAD ADVOCATED TO INVITE THE ACTIVIST REBELS NOW RESIDING ABROAD TO RETURN HERE TO CREATE TROUBLES.

5. PAI, DING CONTINUED, HAD FORMULATED HIS SUBVERSIVE PLOT IN A "STATEMENT" AND PRINTED MORE THAN 40,000 COPIES OF IT, SENT THEM TO FOREIGN AND CHINESE ORGANIZATIONS AS WELL AS TO LARGE NUMBERS OF INDIVIDUAL FOREIGNERS AND CHINESE, AND FINALLY DISSEMINATED THEM ON THE STREETS AND FROM DOOR TO DOOR. THIS IS IRREFUTABLE EVIDENCE, DING SAID, THAT PAI HAD BEGUN TO CARRY OUT HIS REBELLIOUS PLOT. PAI CANDIDLY PLEADED GUILTY DURING THE INVESTIGATION AND TRIAL AS WAS FURTHER EVIDENCED BY THE VARIOUS ORIGINAL DOCUMENTS IN HIS OWN HAND-WRITING. AS THE EVIDENCE OF HIS CRIME WAS THUS ESTABLISHED, HE SHOULD HAVE BEEN PUNISHED IN ACCORDANCE WITH ARTICLE TWO OF THE STATUTE OF SEDITION. HOWEVER, THE COURT REDUCED HIS SENTENCE TO LIFE IMPRISONMENT IN CONSIDERATION OF HIS LACK OF CLEAR POLITICAL UNDERSTANDING DURING HIS YEARS OF SCHOOLING, AND HIS CANDIDNESS IN THE LEGAL PROCEEDINGS. BY BEING LENIENT, DING ADDED, THE COURT INTENDED TO GIVE HIM THE OPPORTUNITY TO REPENT.

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6. DING ALSO POINTED OUT THAT PAI'S CASE WAS BROUGHT UP FOR OPEN TRIAL AFTER INVESTIGATION AND PROSECUTION BY A MILITARY PROCURATOR. A PUBLIC ATTORNEY WAS DESIGNATED TO STAND ON HIS DEFENSE. THE PRELIMINARY VERDICT WAS REVIEWED AND APPROVED BY THE HIGHEST MILITARY JUDICIAL AGENCY. IT IS EVIDENT THAT THE CASE WAS HANDLED COMPLETELY IN ACCORDANCE WITH THE LAW, DING CONCLUDED.

7. DING ALSO REPORTEDLY EMPHASIZED THAT THE ROC IS A DEMOCRATIC COUNTRY BASED ON RULE OF LAW AND THAT THE PEOPLE OF THE ROC ENJOY FULL FREEDOM. HOWEVER, DING ADDED, ANY ACTION INTENDED TO DESTROY THE MODE OF GOVERNMENT, ALTER THE CONSTITUTION, OR OVERTHROW THE GOVERNMENT BY ILLEGAL MEANS MUST BE PUNISHED IN ACCORDANCE WITH LAW, AS IT WOULD BE IN ALL DEMOCRATIC COUNTRIES.

8. COPY OF CHINA POST ARTICLE REPORTING DING'S STATEMENTS WILL BE POUCHED TO THE DEPARTMENT.

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9. COMMENT: AS FAR AS THE EMBASSY IS AWARE, THIS IS THE FIRST TIME THAT THE GROG HAS RESPONDED FULLY TO CORRESPONDENTS' QUESTIONS REGARDING THE CHARGES AGAINST, TYPE OF TRIAL, AND SENTENCING OF A POLITICAL PRISONER. THIS, PLUS DING'S EMPHASIS ON RULE BY LAW, TENDS TO SUPPORT THE EMBASSY'S VIEW CONTAINED IN TAIPEI 929 (NOTAL) THAT THE GROG IS BECOMING INCREASINGLY SENSITIVE TO THE IMPORTANCE PLACED BY THE USG AND CONGRESS ON ISSUES OF HUMAN RIGHTS IN ALL COUNTRIES.
POPPLE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: GOVERNMENT OVERTHROW, PRESS CONFERENCES, POLITICAL PRISONERS, COURTS MARTIAL
Control Number: n/a
Copy: SINGLE
Draft Date: 12 FEB 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976TAIPEI00971
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760053-0499
From: TAIPEI
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760253/aaaabusr.tel
Line Count: 140
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 TAIPEI 330, 76 TAIPEI 7250
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 21 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <21 MAY 2004 by ShawDG>; APPROVED <01 JUL 2004 by morefirh>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: GROC CONFIRMS PAI YA-TSAN SENTENCED TO LIFE IMPRISONMENT
TAGS: PINT, SHUM, TW, (PAI YA-TSAN)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006